

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

SHANNON ELDER-KEEP,

Plaintiff,

VS.

**TROY AKSAMIT, JEROME THRAEN,
individually and in their official capacities
as police officers, and the CITY OF
LINCOLN,**

Defendants.

CASE NO. 8:03CV458

ORDER OF DISMISSAL

This matter comes before this Court on Plaintiff's Motion to Dismiss (Filing No. 125). The Court previously granted the Defendants' motions for summary judgment on all federal claims but agreed to retain supplemental jurisdiction over the Plaintiff's state-law claim for assault against Defendant Troy Aksamit, only. The Plaintiff represents in the motion that she is confident that she will have time to file her state-law claim for assault in state court. The Plaintiff has been given an opportunity to litigate her state-law claim for assault in this Court, and she has chosen not to do so. Pursuant to Fed. R. Civ. P. 41(a)(2), I will grant the Plaintiff's Motion to Dismiss the remaining state-law claims with prejudice to re-filing in any United States District Court, but without prejudice to filing in state court against Defendant Troy Aksamit only.

IT IS ORDERED:

Consistent with this memorandum,

1. The Plaintiff's Motion to Dismiss (Filing No. 125) is granted;
2. The Amended Complaint (Filing No. 3) and all claims in this matter are dismissed with prejudice to re-filing in any United States District Court; and
3. The state-law claims against Defendant Troy Aksamit only are dismissed without prejudice to re-filing in state court.

DATED this 13th day of October, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge